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REMARKS

Claims 1-23 are currently pending in this application. There are three independent claims, claims 1, 15 and 16. In the attached claim set, claims 1-4, 8, 9, 13, 15 and 16 have been amended. Claim 10 has been deleted. The amendments made to claims 1 and 8 are supported on page 1, lines 15 to 16 and page 4, lines 14 to 15. Minor clarifying amendments have been made to claims 2-4 and 13. The amendments made to claims 9, 15 and 16 are supported on page 5, lines 22 to 26 of the specification as filed. It is respectfully submitted that no new matter has been added.

New claims 17 to 23 have been added. New claims 17 to 21 are ultimately dependent upon independent claim 1. Support for new claim 17 may be found on page 4, lines 18 to 23. Support for new claim 18 may be found on page 5, lines 9 to 11 and on page 5, line 21 to page 7, line 7. Support for new claim 19 may be found on page 4, lines 1 to 2, and page 6 lines 1 to 7. Support for new claim 20 may be found on page 6, lines 23 to 25. Support for new claim 21 may be found on page 4, lines 1 to 2, page 3, lines 25 to 26, page 5, lines 4 to 11, and in original claim 6. New claims 22 and 23 are ultimately dependent on independent claim 15. Support for new claim 22 may be found on page 6, lines 27 to 29. Support for new claim 23 may be found on page 6, lines 27 to 29. It is respectfully submitted that no new matter has been added.

Embodiments of the invention in this case relate to a mobile telephone having a plurality of different operating characteristics. The mobile telephone comprises a wireless receiver for receiving a control message from a remote controller and a processor for controlling a plurality of operating characteristics of the mobile telephone in response to the received control message.

The Patent Office rejected claims 1-6, 8-11, and 13-16 under 35 U.S.C. 102(e) as being clearly anticipated by Ihara, U.S. Published Patent Application No. 2004/0185915.

For a claim to be anticipated under 35 U.S.C. 102, each and every non-inherent claim limitation must be disclosed in a reference. MPEP 2131.

Claim 1 recites "A mobile telephone, having a plurality of different operating characteristics, the mobile telephone comprising a wireless receiver for receiving a control

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message from a remote controller; and a processor for controlling a plurality of operating characteristics of the mobile telephone in response to the received control message.”

Claim 15 recites “A remote controller for use with a mobile telephone, comprising a user input device; a wireless transmitter for transmitting a control message for controlling the adoption of at least one operating characteristic by the mobile telephone in response to user activation of the user input device; and an indicator for indicating the adoption of at least one operating characteristic by the mobile telephone in response to user activation of the user input device.”

Claim 16 recites “A mobile telephone arrangement comprising a mobile telephone, having a plurality of different operating characteristics, and a remote controller, wherein the mobile telephone comprises a wireless receiver for receiving a control message from a remote controller; and a processor for toggling between at least a first operating characteristic of the mobile telephone and a second operating characteristic of the mobile telephone in response to the received control messages from a remote controller; and wherein the remote controller, comprises a user input device; a wireless transmitter for transmitting a control message in response to each user activation of the user input device; and an indicator for indicating the status of the toggle in response to user activation of the user input device.”

The Patent Office has cited Ihara, U.S. Published Patent Application No. 2004/0185915 to reject the independent claims 1, 15, and 16 and most of the dependent claims (all but claims 7 and 12). Ihara discloses a wireless (Bluetooth) hands-free device. Ihara is generally concerned with the way in which a user is alerted to an incoming call by the hands-free device. The user may be alerted by means of an audible ringtone, such as a ringtone that originates at the headset or a ringtone that originates at the mobile terminal and is sent over to the headset by the mobile terminal (an “in band” ringtone). Alternatively, the user may be alerted to an incoming call by a vibrator, such as in situations where the headset is worn on the body (see paragraph [0021], lines 10 to 16).

Claim 1 recites that a mobile telephone comprises “a processor for controlling a plurality of operating characteristics of the mobile telephone in response to the received control message”. As indicated above, Ihara is generally concerned with the way in which a user is alerted to an

incoming call by the hands-free device, and not controlling a plurality of operating characteristics of a mobile telephone. This is emphasised in paragraph [0004], which states “the present invention provides silent alerting capability for a Bluetooth hands-free device or any hands-free device that relies on short-range, wireless connection to communicate with a terminal”.

In the embodiment of the Ihara disclosed in paragraphs [0027] to [0030] and Fig. 6, a service level connection is established between the hands-free device and an audio gateway device (mobile terminal). At step 604 the user activates silent mode at the hands-free device. The hands-free device then sends a message at step 606 to the audio gateway device indicating that silent mode has been selected. The audio gateway device confirms that it has received the message at step 608. When a call is received by the audio gateway device at step 610, the audio gateway device sends a message to the hands-free device at step 612 indicating that the hands-free device should alert the user silently. The hands-free device then vibrates at step 614. The alerting message step and the vibration step are repeated at steps 616 and 618.

When the user answers the call at the hands-free device at step 620, a message is sent to the audio gateway device, indicating that the call has been answered at step 630. The audio gateway device confirms it has received the message at step 632. The audio gateway device then establishes an audio connection with the hands-free device at steps 634 and 636. At a later point in time, the user decides that he or she would like to hear a normal audible alert for subsequent events, and deactivates silent mode at the hands-free device. A message is then sent by the hands-free device to the audio gateway device at step 638, indicating that a normal ring is to take place. The audio gateway device responds at step 640 indicating that it has received that message.

The embodiment described in relation to Fig. 6 of Ihara appears to relate to the alert provided by the hands-free device and not the mobile terminal. The reason a message is sent to the mobile terminal indicating that silent mode has been activated at the hands-free device is that when a message is sent from the mobile terminal (audio gateway device) to the hands-free device indicating that there is an incoming call, that message contains information telling the hands-free device that the alert at the hands-free device is to be made silently. There is, however, no disclosure of a message being sent by the hands-free device that mutes the mobile terminal.

In other embodiments described in Ihara, such as that described in relation to Fig. 3, the mobile terminal sends a standard ring message to the hands-free device, and the decision as to whether the alert at the hands-free device is made silently is made at the hands-free device rather than the mobile terminal. In this instance, as may be seen from Fig. 3, a “silent mode message” is not sent by the hands-free device to the mobile terminal.

Paragraph [0005] states that “in some embodiments, if the user activates silent alert mode at the hands-free device then the hands-free device sends a silent mode activation message back to the communication terminal over the short-range wireless connection instructing the terminal that subsequent alerts should be silent (e.g. the phone should not “ring” upon receiving a call). If the user simply activates silent alert mode at the hands-free device then the hands-free device may or may not mute any in-band ringtone”.

Paragraph [0005] of Ihara discloses that a silent mode message is sent to the communication terminal instructing the terminal that subsequent alerts should be silent i.e. so that when a call is received by the communication terminal (Fig. 6, step 610) the communication terminal sends a message to the hands-free device indicating that the hands-free device should alert the user silently (Fig. 6, step 612). The term “phone” in paragraph [0005] therefore appears to relate to alerts provided by the hands-free device and not the mobile terminal. None of the embodiments described in the detailed description disclose the muting of a mobile terminal. It should also be noted that the detailed description of refers to a “communication terminal” and an “audio gateway” 102/202, and not a “phone” as mentioned in paragraph [0005].

Furthermore, in the problem set forth in paragraph [0003], Ihara discloses “if the user does not happen to have the earpiece inserted or covering his ear at the particular time an alert is received then the user may not be aware of the event, since the terminal may be some distance away and possibly enclosed in a briefcase or switched into a silent alert mode of operation.” Apparently, the mobile terminal alert is not a consideration in Ihara.

Claim 1 recites “[a] mobile terminal... comprising... a processor for controlling a plurality of operating characteristics of the mobile telephone in response to the received control message.” In view of the comments made above, there appears to be no disclosure of anything

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which could be considered to constitute the control of a plurality of operating characteristics of a mobile telephone in Ihara.

There appears to be no motivation to modify Ihara to anticipate the claims because Ihara is not generally directed towards the control of the operating characteristics of a mobile telephone and does not discuss such operating characteristics in any detail. There appears to be no discussion of how or why a person might control a plurality of operating characteristics of a mobile telephone. Ihara is instead concerned with the operation of a hands-free device.

Thus, claim 1 is not anticipated by Ihara.

Independent claim 15 relates to a remote controller for use with a mobile telephone, and recites that the remote controller comprises “a user input device... and an indicator for indicating the adoption of at least one operating characteristic by the mobile telephone in response to user activation of the user input device.” Independent claim 16 relates to a mobile telephone arrangement comprising an indicator for indicating the status of the toggle in response to user activation of the user input device.

Neither claim 15 nor claim 16 is anticipated by Ihara as there appears to be no disclosure in Ihara that may be considered to indicate the adoption of an operating characteristic by a mobile telephone in response to user activation of a user input device or a mobile telephone arrangement having an indicator for indicating the status of the toggle in response to user activation of the user input device. Paragraph [0004] of Ihara refers to a silent alerting capability for a hands-free device, where “[t]he silent alerting action can be provided by any non-audible signalling mechanism, for example a vibrator or a light.” Further discussion of the silent alerting action is provided in paragraph [0024], for example, where Ihara states that if a ring (alert) message is sent from the audio gateway (AG) to the hands-free (HF) and silent alert mode has been selected, a silent alert action is executed. The silent alert action made by the hands-free in Ihara is therefore made in response to the receipt of a ring (alert) message from the AG, and not in response to user activation of a user input device.

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By providing an indicator for indicating an operating characteristic of a mobile telephone in response to the activation of a user input device, the user of the remote controller is advantageously able to identify the operating characteristic without having to refer to the mobile telephone itself. The indicator therefore provides a useful way of determining whether the operating characteristic has been selected by the user if the mobile telephone is out of sight, for instance.

Thus, neither claim 15 nor 16 is anticipated by Ihara.

New dependent claim 17 requires that one of the operating characteristics is an audible alert and one of the operating characteristics is a vibration alert. Claim 18 states “in response to a control message being received, the processor is operable to mute the audible alert and deactivate the vibration alert”.

As indicated above, there appears to be no disclosure in Ihara of an audible alert of a mobile telephone being muted in response to a received control message. Furthermore, there appears to be no disclosure in Ihara of a mobile telephone having a vibration alert and certainly no disclosure of such a vibration alert being deactivated.

Ihara discloses a hands-free device having a silent mode operation. When the hands-free device is in silent mode operation, a vibration alert is provided instead of an audible alert. Ihara therefore generally teaches that a vibration alert may be used as an alternative to replace an audible alert. In contrast to this, claim 18 recites that an audible alert is muted and a vibration alert is deactivated in response to a received control message, so that neither alert is made. This advantageously allows the user to use the remote controller to control the mobile telephone to have a silent profile in which neither the audible alert nor the vibration alert produce any noise, as they are both deactivated.

Consequently, claims 17 and 18 are not anticipated or made obvious by Ihara.

Claim 19 relates to a mobile telephone and recites that “the mobile telephone further comprises a memory for storing an indication of a currently operative set of one or more operating characteristics”.

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There appears to be no disclosure in Ihara of storing such an indication of a currently operative set of one or more of operating characteristics in a memory of a mobile telephone. This is because Ihara is not generally concerned with the operating characteristics of a mobile telephone, and concentrates more on the operation of a hands-free device.

Thus, claim 19 is not anticipated or made obvious by Ihara.

New Claim 20 recites that “one of the operating characteristics is an audible alert and the processor is operable to mute the audible alert while the audible alert is being made by the mobile telephone, in response to a control message being received”.

As indicated above, there appears to be no disclosure of an audible alert of a mobile telephone being muted in response to a control message being received in Ihara. Furthermore, there appears to be no disclosure of an audible alert being muted while the alert is being made.

By providing a processor that is operable to mute an audible alert while the audible alert is being made, embodiments of the invention advantageously allow a user of a mobile telephone to mute the telephone if he hears the audible alert and realizes that he has forgotten to mute it. Advantageously, in this situation, the user is able to mute the audible alert without having to refer to the mobile telephone itself.

Thus, claim 20 is allowable over the prior art of record

Claim 21 recites that the mobile telephone comprises “a display for displaying the plurality of operating characteristics of the mobile telephone, wherein the displayed plurality of operating characteristics are selectable in response to a received control message but are not selectable in response to activation of the user input device”.

Ihara discloses in paragraph [0034] that the mobile terminal illustrated in Fig. 8 comprises a liquid crystal display (LCD). However, Ihara makes no mention of the function of the display, and in particular how a display might be used in relation to the operating characteristics of the mobile telephone.

Thus, claim 21 is not anticipated or made obvious by Ihara.

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Claim 22 recites that “[a] remote controller.... wherein successive actuations of the user input device cause the mobile telephone to toggle between the at least one operating characteristic and a second characteristic, and the indicator indicates the status of the toggle.”

Claim 23 recites that “whenever the mobile telephone has the at least one operating characteristic, the indicator has a first mode, and whenever the mobile telephone has the second operating characteristic, the indicator has a second mode”.

There appears to be no disclosure of an indicator that indicates the status of such a toggle in Ihara. By providing an indicator that indicates whether the mobile telephone has a first operating characteristic or a second operating characteristic, the user is advantageously able to tell which operating characteristic the mobile telephone has at any point in time.

Thus, claims 22 and 23 are not anticipated or made obvious by Ihara.

The Patent Office rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Ihara.

Claim 7 is allowable because it depends from allowable base claim 1.

The Patent Office rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Ihara in view of Beyda, U.S. Published Patent Application No. 2003/0022690.

Claim 12 is allowable because it depends from allowable base claim 1 and allowable intervening claim 9.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-16 under 35 U.S.C. 102(e) based on Ihara or under 35 U.S.C. 103(a) based on Ihara, alone or in combination with Beyda and to allow all of the pending claims 1-23 as now presented for examination. An early notification of the allowability of claims 1-23 is earnestly solicited.

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